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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board ("Board") held a Special meeting on June 29, 2018, at the Glendale City Hall, Council Chamber Room, 613 E. Broadway, 2nd Floor, Glendale, California 91206

2. **ROLL CALL**

Kathryn Doi, Vice President and Public Member, called the meeting of the Board to order at 11:06 a.m.

Present:	Kathryn Ellen Doi Ardashes "Ardy" Kassakhian Glenn E. Stevens	Timothy M. Corcoran, Executive Director Robin P. Parker, Senior Staff Counsel
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Absent: David C. Lizárraga
Bismarck Obando

3. **PLEDGE OF ALLEGIANCE**

Mr. Kassakhian led the members and staff in the Pledge of Allegiance.

4. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

PORTER AUTO GROUP, L.P. v. FCA US LLC

Protest Nos. PR-2534-17, PR-2535-17, PR-2536-17, PR-2537-17, PR-2555-18, PR-2556-18, PR-2557-18 and PR-2558-18

Ms. Doi read the following statement "comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board." Furthermore, she indicated that this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters.

Oral comments were presented before the Public Members of the Board. No appearance was made on behalf of Protestant. Jack O. Snyder, Esq. of Barack Ferrazzano Kirschbaum

& Nagelberg LLP represented Respondent. Also present were Steven J. Yavtin, Esq. of Barack Ferrazzano Kirschbaum & Nagelberg LLP and Eric Wong, Dealer Network Manager, FCA US LLC.

5. **CLOSED EXECUTIVE SESSION DELIBERATIONS**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

CONSIDERATION OF PROPOSED RULING

PORTER AUTO GROUP, L.P. v. FCA US LLC

Protest Nos. PR-2534-17, PR-2535-17, PR-2536-17, PR-2537-17, PR-2555-18, PR-2556-18, PR-2557-18 and PR-2558-18

Consideration of the Administrative Law Judge's "Proposed Order Granting Respondent's 'Motion to Dismiss Protests or, in the Alternative, for a Finding of Good Cause to Terminate Based on Uncontested Evidence' and Overruling Protests", by the Public Members.

The Public Members of the Board deliberated in closed Executive Session. Mr. Stevens moved to adopt the Administrative Law Judge's Proposed Decision as amended. After Paragraph 62, on page 18, line 13, the following heading is added: "Analysis of Claim that the Board has Implied Authority to Dismiss the Protests." Immediately following the heading, Paragraph 63 is added as follows: "The Board, relying on the opinion in *Duarte*, concludes that it has the implied authority to dismiss these protests because the undisputed facts show good cause for termination of Porter's Chrysler, Dodge, Jeep and RAM franchises. It is therefore determined that there is good cause for termination of Porter's Chrysler, Dodge, Jeep and RAM protests with prejudice." Mr. Kassakhian seconded the motion. The motion carried unanimously.

6. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Parker announced the decision in Agenda Item 5.

7. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 11:58 a.m.

Submitted by



TIMOTHY M. CORCORAN
Executive Director

APPROVED:



Kathryn Ellen Doi
Vice President
New Motor Vehicle Board